

BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes

September 18, 2003

A meeting of the Board of Environmental Protection was held on Thursday, September 18, 2003, at the Holiday Inn / Ground Round facility in Augusta, Maine. Richard Wardwell, Chair, called the meeting to order at 9:00 a.m. with the following individuals present:

Board: Ernest Hilton, Melford Pelletier, Katharine Littlefield, Richard Wardwell, Jean T. Wilkinson, Nancy Ziegler, and Matt Scott. Virginia Plummer arrived at approximately 9:20.

Absent: Irving Faunce

Note: There is currently one vacancy.

<u>Staff:</u>	<u>Bureau of Air Quality</u>	Jeff Kalinich
	<u>Bureau of Air Quality</u>	Jeff Crawford
	Bureau of Land and Water Quality	Doug Burdick
	Bureau of Land and Water Quality	Linda Kokemuller

Others: John Wathen, Director, Southern Maine Regional Office
Denny Harnish, Assistant Attorney General
Peggy McCloskey, Assistant Attorney General (for workshop only)
Cynthia Bertocci, Executive Analyst
Terry Hanson, Administrative Assistant

(Meeting adjourned at approximately 1:00 p.m.)

I. DEPARTMENTAL

- A. COMMISSIONER'S COMMENTS:** John Wathen, Director of the Southern Regional Office reported the following:

DEP Service Plaque: Mr. Wathen presented Board member Melford Pelletier with a service plaque in appreciation for his service to the Board of Environmental Protection.

Multi State Working Group MSWG: The annual conference for the nation-wide working group involved with "beyond compliance" initiatives and issues met in Portland, Maine on September 15th & 16th. Attendees included representatives from the US Environmental Protection Agency, Special Interest Groups, Business and State Environmental Agencies. Here in Maine, the Commissioner anticipates that additional companies will be joining the Step-Up program (Fraser Paper and National Potato).

DEP Management: Andrew Fisk has started work at the DEP as the Director of the Bureau of Land and Water Quality. The interview process has begun for the position of Director of the Bureau of Remediation and Waste Management. Deb Garrett is the Department's acting Deputy Commissioner until that post is filled.

Questions: Chair Wardwell asked about the status of the annual Governor's Awards for Pollution Prevention.

The Governor's Pollution Prevention awards will not be handled the same as in past years. The program will likely be restructured.

- B. CHAIRMAN'S COMMENTS:**
None

- C. EXECUTIVE ANALYST COMMENTS:**
None

- D. BOARD CALENDAR:**
Reviewed and noted the 10/2 tentative date for a deliberative session for China Lake

- E. DEPARTMENTAL ORDERS:** Reviewed
F. EXECUTIVE SESSION: None

II. CONSENT AGENDA ITEMS

The Board voted (6-0-1-3) on a motion to approve consent agenda item 1 as presented.

Board members Ernest Hilton, Melford Pelletier, Katharine Littlefield, Richard Wardwell, Jean T. Wilkinson and Nancy Ziegler voted to support the motion. Board member Matt Scott abstained. Board members Irving Faunce and Virginia Plummer were absent. There is one vacancy.

1. BEP MINUTES, June 19, 2003 (approval)

The Board voted (7-0-0-3) on a motion to approve consent agenda item 2 as presented.

Board members Ernest Hilton, Melford Pelletier, Katharine Littlefield, Richard Wardwell, Jean T. Wilkinson, Nancy Ziegler and Matt Scott voted to support the motion. Board members Irving Faunce and Virginia Plummer were absent. There is one vacancy.

2. BEP MINUTES, July 17, 2003 (approval)

The Board voted (8-0-0-2) on a motion to approve consent agenda items 3, 4, 5, 7, 8, and 9 as presented and to approve consent agenda item 6 as corrected: (a) page 1 paragraph 4 date change from ~~February 1, 2003~~ to May 6, 2003, (b) page 4 paragraph 17 change reference from paragraph 9 to 8.

Board members Ernest Hilton, Melford Pelletier, Katharine Littlefield, Virginia Plummer, Richard Wardwell, Jean T. Wilkinson, Nancy Ziegler and Matt Scott voted to support the motion. Board member Irving Faunce was absent. There is one vacancy.

3. DELMONT WOOD & SONS, INC., Presque Isle – Administrative Consent Agreement and Enforcement Order (BLWQ-Land)
4. PIERRE BEAULIEU, Saco - Administrative Consent Agreement and Enforcement Order (BLWQ-Land)
5. MAPLEHURST COMPANY, INC., Belgrade – Administrative Consent Agreement (BLWQ-Land)
6. DOMTAR MAINE CORPORATION, Baileyville – Administrative Consent Agreement and Enforcement Order (BLWQ-Water) *as amended
7. DOMTAR MAINE CORPORATION, Baileyville – Administrative Consent Agreement (BAQ)
8. JETPORT GAS & CONVENIENCE STORE, INC., South Portland – Administrative Consent Agreement and Enforcement Order (BAQ)
9. REGINALD GAGNE and BONENFANT CONSTRUCTION CORP., Augusta – Administrative Consent Agreement and Enforcement Order (BRWM)

The Board voted (8-0-0-2) on a motion to approve the draft and post to 45-day public comment consent agenda item 10 as presented.

Board members Ernest Hilton, Melford Pelletier, Katharine Littlefield, Virginia Plummer, Richard Wardwell, Jean T. Wilkinson, Nancy Ziegler, and Matt Scott voted to support the motion. Board member Irving Faunce was absent. There is one vacancy.

10. MAINE ELECTRONICS, INC., and ROCKWELL COLLINS, INC. / POST CLOSURE LICENSE. (approval of draft / 45 day public comment period)

III. Regular Agenda

1. CHAPTER 153, MOBILE EQUIPMENT REPAIR AND REFINISHING / NEW (post to public hearing)

The Board voted (8-0-0-2) to conduct a public hearing on November 6th regarding new Chapter 153, Mobile Equipment Repair and Refinishing. The vote was taken pursuant to 38 M.R.S.A. Section 341-D, and 585-A.

Board members Ernest Hilton, Melford Pelletier, Katharine Littlefield, Virginia Plummer, Richard Wardwell, Jean T. Wilkinson, Nancy Ziegler and Matt Scott voted to support the motion. Board member Irving Faunce was absent. There is one vacancy.

2. TIM FLYNN / (appeal of denial to construct building addition)

The Board voted (8-0-0-2) on a motion to affirm the Commissioner's decision, deny the appeal, and approve the draft Board order as presented. The vote was taken pursuant to 38 M.R.S.A. Section 341-D, 480 et. seq. and 06-096 CMR Chapter 2.

Board members Ernest Hilton, Melford Pelletier, Katharine Littlefield, Virginia Plummer, Richard Wardwell, Jean T. Wilkinson, Nancy Ziegler, and Matt Scott voted to support the motion. Board member Irving Faunce was absent. There is one vacancy.

3. WORKSHOP

The Board conducted a workshop to discuss: (a) review of procedures governing Board action on staff recommendations and (b) Board guidelines for conduct of meetings. No vote was taken, however the Executive Analyst was directed to finalize the two documents for future reference by Board members.